

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GDCM TRUST,

Case No. 2:15-cv-02153-APG-PAL

Movant,

ORDER

v.

UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,

Respondent.

Before the court is Movant GDCM Trust's Motion to Quash Subpoenas Issued to Bank of America, N.A. and Citibank, N.A., by the Commodity Futures Trading Commission (Dkt. #1).

This is a miscellaneous action filed to quash subpoenas pursuant to Section 1110 of The Right to Financial Privacy Act of 1978, as amended, codified at 12 U.S.C. § 3410 (1994). The subpoenas were issued by the Commodity Futures Trading Commission ("CFTC") and served on Bank of America, N.A. and Citibank, N.A. October 28, 2015. Copies of the subpoenas are attached as Exhibits A&B to the motion. The subpoenas require the custodians of records to produce responsive documents and to appear before the CFTC in Washington, D.C. on November 19, 2015, at 9:30 a.m., to testify at a deposition and produce the financial records described. Appearance and testimony at the CFTC on the date and time specified is excused if the documents requested by the subpoenas are produced as requested. The court has no information about whether the custodians complied with the subpoenas.

Although Dana Dwiggins, counsel for GDCM Trust, avers in his supporting declaration that he "reached out" to Eugenia Vroustouris, Senior Trial Counsel, Division of Enforcement for the CFTC to determine the relevancy of the documents sought, there is no proof of service of the motion to quash on counsel for the CFTC. However, on November 16, 2015, the United States

1 Attorney's Office for this district filed a Motion to Admit Government Attorney to Practice in
2 this District (Dkt. #2) which the court has granted in part in a separate order. It would thus
3 appear that counsel for the CFTC received notice of the motion to quash. Having considered the
4 matter,

5 **IT IS ORDERED** that:

- 6 1. The Commodity Futures Trading Commission shall have until **December 8, 2015**, to
7 file a response to the motion to quash.
- 8 2. GDCM Trust shall have until **December 15, 2015**, in which to file a reply.
- 9 3. A hearing on the Motion to Quash is set for **December 22, 2015, at 11:00 a.m.** in
10 Courtroom 3B.

11 DATED this 30th day of November, 2015.

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14 PEGGY A. LEEN
15 UNITED STATES MAGISTRATE JUDGE
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